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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

JEFF HATCH-MILLER, CHAIRMAN
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

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IN THE MATTER OF THE APPLICATION OF
WOODRUFF WATER COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICES
IN PINAL COUNTY, ARIZONA.

DOCKET NO. W-04264A-04-0438

IN THE MATTER OF THE APPLICATION OF
WOODRUFF UTILITY COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. SW-04265A-04-0439

IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY, AN ARIZONA
CORPORATION, TO EXTEND ITS EXISTING
CERTIFICATES OF CONVENIENCE AND
NECESSITY AT CASA GRANDE AND
COOLIDGE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-04-0755

**MOTION TO BIFURCATE
REGARDING
ARIZONA WATER COMPANY'S
UNCONTESTED EXTENSION
AREA**

Pulte Home Corporation ("Pulte"), through undersigned counsel, moves to bifurcate the portion of the consolidated dockets related to Arizona Water Company's application (Docket No. W-01445A-04-0755) seeking the authority to provide water service to a proposed master planned community to be developed by Pulte and known as "Martin Valley Ranch" (the "Martin Valley Development"). The Martin Valley Development extension is not within the area covered by Woodruff Water Company's application and is uncontested. Commission Staff also supports the Arizona Water Company extension to the Martin Valley Development. Commission Staff and Arizona Water Company have indicated to counsel for Pulte that they support this motion to bifurcate. Woodruff Water Company and Woodruff Utilities Company have indicated to counsel for Pulte that they do not oppose bifurcation but would object to disruption of their witness order.

1 In support of this motion to bifurcate, Pulte states as follows:

2 1. Pursuant to an agreement between Pulte, as the buyer, and Marcus David Martin
3 ("Martin"), as the seller, Pulte has the exclusive right and option to acquire the real property
4 comprising the Martin Valley Development, which consists of a 565.5 acre parcel of land located
5 in Pinal County. Pulte intends to acquire and develop the real property comprising the Martin
6 Valley Development as a master planned community (consisting of single-family, residential
7 homes and other uses). Pulte has formally requested that Arizona Water Company extend its
8 certificate of convenience and necessity to be able to provide water service to the Martin Valley
9 Development. A copy of Pulte's request is attached as Exhibit 1 to Arizona Water Company's
10 application in Docket No. W-01445A-04-0755.

11 2. Pulte is proceeding in its development of the Martin Valley Development. Pulte
12 currently anticipates that it will require water service at Martin Valley Development on or about
13 October 2005.

14 3. It has become apparent that the contested portion of this consolidated docket will
15 be a protracted proceeding. It is uncertain whether the evidentiary hearing will conclude on June
16 29, 2005. In that event, Pulte understands that the hearing may be continued until the Fall of
17 2005. Given the issues raised by the contested portion of the docket, it may be a substantial time
18 before a proposed order is issued by the Hearing Division and considered by the Commission at
19 Open Meeting. It also is likely that the unsuccessful applicant will appeal the Commission's
20 decision, potentially leaving the portion of the uncontested.

21 4. To avoid such substantial delays and uncertainty regarding the uncontested portion
22 of the consolidated docket, Pulte requests bifurcation of the uncontested portion of Arizona Water
23 Company's extension application. Pulte further requests that: (i) during the resumption of the
24 hearing on June 27 and 29, 2005, the appropriate witness for Arizona Water Company be allowed
25 to testify about the uncontested extension portion of the application and (ii) a witness for
26 Commission Staff be allowed to testify the portions of the Staff Report related to the uncontested
27 extension request. Pulte does not believe that testimony would take significant time or unduly

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1 delay the resolution of the contested issues. Moreover, cross-examination on that bifurcated
2 portion of the docket would not foreclose cross-examination on the contested issues later in the
3 hearing in the other portion of the bifurcated dockets.

4 5. Further, in connection with that bifurcation, Pulte requests that the Hearing
5 Division issue a separate proposed order addressing only the uncontested portion of Arizona
6 Water Company's extension application. That will provide a Commission decision that would not
7 be affected by the any appeal of the contested issues.

8 WHEREFORE, Pulte requests that: (i) this proceeding be bifurcated to allow the portion
9 of Arizona Water Company's application to extend its certificate of convenience and necessity to
10 the Martin Valley Development to proceed immediately and (ii) the Hearing Division issue a
11 proposed order on uncontested extension request separate from a proposed order on the contested
12 portions of the dockets.

13 RESPECTFULLY SUBMITTED this 22nd day of June, 2005.

14 ROSHKA HEYMAN & DEWULF, PLC

15 By 
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21 Original and 17 copies of the foregoing
22 filed this 22nd day of June 2005 with:

23 Docket Control
24 Arizona Corporation Commission
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1 Copy of the foregoing hand-delivered/mailed
2 this 22nd day of June 2005 to:

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